

**IDAHO REAL ESTATE COMMISSION  
MEETING MINUTES**

January 19, 2006

Pursuant to notice given, the January meeting of the Idaho Real Estate Commission (Commission) was held in the Commission office at 633 N. Fourth Street, Boise, Idaho, on January 19, 2006, at 8:30 a.m.

**Members Present:**

Ron Clawson, Chair, Idaho Falls  
Pam Trees, Vice Chair, Lewiston  
Steve Kohntopp, Member, Twin Falls  
Andy Enrico, Member, Boise  
*Comprising a quorum of the Commission.*

**Staff Present:**

Donna M. Jones, Executive Director  
Jennifer Bonilla, Admin. Asst.

**Staff Present for a portion of the Meeting:**

Charlie Hendrix, Fiscal Supervisor  
Terry Ruettgers, Enforcement Chief  
Neal Bernklau, License Supervisor  
Karen Seay, Education Director  
Stephanie McLarin, Enforcement Secretary  
Craig Boyack, Investigator

**Licensees Present for CE Credit**

Jeff Claverie, Eagle

**Others Present:**

Kim Coster, Commission Counsel  
Alex LaBeau, IAR® CEO, Boise  
Mike Johnston, IAR® 2006 President  
Jill Stone, Past IAR® President  
Willis Stone, IAR®  
John Eaton, IAR® Government Affairs  
Jeremy Pisca, IAR® Attorney  
Julie DeLorenzo, IAR®  
Victor Villegas, IAR®  
Brett Delange, Idaho Attorney General's Office  
Jim Villa, U.S. Department of Justice  
Bill Jones, U.S. Department of Justice  
Bob Jones, Boise  
Corinne Rencher, Boise  
Chuck Byers, Pioneer Real Estate School, Boise  
Joan Brawley, Twin Falls  
Joannie Huff, Fruitland

**Call to Order:** The meeting of the Commission was called to order by Chair Clawson at 8:35 a.m., Thursday, January 19, 2006.

**Approval of Agenda:** A motion was made by Ms. Trees, seconded by Mr. Kohntopp, to approve the agenda of the January 19, 2006 meeting. Motion carried.

**Approval of Meeting Minutes:** A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to approve the December 14-15, 2005, meeting minutes, as written. Motion carried.

**Salesperson and Broker Licenses Issued:** Members reviewed the salesperson and broker licenses issued for the month of December 2005; a copy of which has been made part of these minutes. A motion was made by Mr. Kohntopp, and seconded by Mr. Enrico, to ratify the salesperson and broker licenses issued for the month of December 2005. Motion carried.

**Financial Reports:** Ms. Hendrix joined the meeting and presented the December 2005 Financial Reports to Commission members for their review.

After review and discussion, a motion was made by Ms. Trees, and seconded by Mr. Enrico, to approve the December 2005, Financial Reports. Motion carried.

**Licensure:**

Mr. Bernklau was welcomed to the meeting.

**Licensee Status Reports:** Members reviewed the licensee status reports; copies of which are on file at the Commission office:

- FY05-FY06 Analysis of Active & Inactive License Base
- FY05-FY06 Analysis of Company Records
- On-Line Renewal Reports

**Department of Justice:** Chair Clawson welcomed Jim Villa and Bill Jones, both attorneys from the U.S. Department of Justice. Mssrs. Villa and Jones acknowledged state's right as sovereign to adopt legislation, and presented the following for members' consideration:

- The DOJ views the proposed legislation, as currently drafted, as preventing consumers from maximum choice in brokerage services. So far no complaints have been filed, either in Idaho or any other state
- The "harm" addressed by the proposal seems to be only hypothetical. Even if real, the harm could be prevented through less sweeping legislation, tailored to protect consumers yet allow choice
- The proposed legislation will would prevent consumers from saving money should they decide to hire and pay brokers to perform only some services (document provided to members, demonstrating certain cost savings by consumers who hire for services only.)
- DOJ will have no problem if the proposal contains an option for consumers to waive right to broker's provision of certain, otherwise mandatory, services
- Addressing the "agency concern," a broker placed in position of (unauthorized) dual agent should resolve this by seeking written agreement limited dual agency agreement. If agency issue is the real problem, better approach is to draft a bill addressing broker liability (e.g., an agency bill, instead of a minimum services bill).

Chair Clawson noted that all of these points have been presented to members previously, at the ARELLO meeting in Toronto, and also by reviewing DOJ's letters to other States considering similar legislation. Mr. Clawson thanked and welcomed Mssrs. Villa and Jones for the opportunity present these points, in person, to the Commission.

**Joan Brawley:** Chair Clawson welcomed Joan Brawley and Joannie Huff. Ms. Brawley raised her concerns over the Module I and Module II pre-license course and licensing exam. Ms. Huff described her experiences and frustration in the pre-license courses and taking the licensing exam.

Ms. Seay informed Members that there is an exam writing workshop on April 17-18, 2006.

**Education and Examination:** Ms. Seay was welcomed to the meeting and presented the following reports:

- Education Council/Task Force Meeting Update: Presentation from BSU talking about how they can support the Education Task Force. Input from all pre-license instructors needed.
- Law Course meeting: Ms. Seay informed members of a meeting with the Real Estate Law instructors held on Tuesday about revising and updating the current Real Estate Law Course.
- Website: A hot topic link will be added. Also under Course Schedules have a map of Idaho; licensees can click on their area to find elective courses.
- Train the Trainer changed to Instructor Development Workshop. Tentative agenda has been revised. Members recommended asking Mr. T.J. Angstman to present the portion of the Hot Topics Section. Justin May to present the Case Law and Representative Snodgrass to present the Legislative changes.
- License Exam Statistical Report: Members reviewed the License Exam stats report.
- Exam Results: Ms. Seay presented to Members a new report that compiled the License exam results for an individual class.

**IAR Report:** Members welcomed Mr. Mike Johnston and Mr. Alex LaBeau to the meeting.

- Mr. Johnston reported that IAR is focusing on their education programs.
- Health care is still a concern. It will hopefully be addressed federally.
- Convention: Task force is currently looking into no longer holding a joint Convention meeting. Next convention is in Jackson, WY in September 2007
- Task Force looking into new buildings and bigger facility for the IAR
- Brokerage Services
- Mr. LaBeau reported on the current Legislation the IAR is supporting. They are not presenting any legislation of their own this year. Eminent Domain legislation; working with Dept of Insurance and Title companies on Rule 56. Property tax bill. Circuit breaker; homeowner exemption. Security breach legislation-will affect State agencies, should there be a security breach, and the people affected are not notified there can be a fine of \$25,000 per instance of identity theft but not protected from civil liability.

#### **Enforcement-Report on Investigative Files:**

**Executive Session:** In accordance with section 67-2345(1) (d) and (f), Idaho Code, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn to executive session to review investigative files. Motion carried.

**Regular Session:** There being no further purpose for an executive session, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn the executive session. Motion carried.

**Probable Cause Memo #05-19300:** A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, that the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058 (1), was reviewed and the facts are sufficient to proceed with formal action on the

violations presented except for 54-2055(1), 54-2084(1), 54-2085(3) and 54-2085(5). Commission staff is authorized to file and administrative complaint. Motion carried.

**Probable Cause Memo #05-22700:** A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, that the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058 (1), was reviewed and the facts are **not** sufficient to proceed with formal action on the violations presented. Motion carried.

Mr. Kohntopp recommended the possibility of a 5<sup>th</sup> member on the Commission.

**Enforcement:** Mr. Ruettgers was welcomed to the meeting.

**Case of Staff vs. Lauren S. Bisbee (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Lauren S. Bisbee and that the "Final Order" for disciplinary actions against Ms. Bisbee be as follows:

- 1) That Lauren S. Bisbee shall be issued a formal reprimand.
- 2) That Lauren S. Bisbee pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That Lauren S. Bisbee pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. William E. Brooks (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by William E. Brooks and that the "Final Order" for disciplinary actions against Mr. Brooks be as follows:

- 1) That William E. Brooks shall be issued a formal reprimand.
- 2) That William E. Brooks pay a civil fine in the amount of One Thousand Dollars (\$1,000.00) by February 26, 2006.
- 3) That William E. Brooks pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. John A. Dixon (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by John A. Dixon and that the "Final Order" for disciplinary actions against Mr. Dixon be as follows:

- 1) That John A. Dixon shall be issued a formal reprimand.
- 2) That John A. Dixon pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by February 26, 2006.
- 3) That John A. Dixon pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Patricia A. Auw (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Patricia A. Auw and that the "Final Order" for disciplinary actions against Ms. Auw be as follows:

- 1) That Patricia A. Auw shall be issued a formal reprimand.
- 2) That Patricia A. Auw pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That Patricia A. Auw pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.



Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Laurel J. Condon (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Laurel J. Condon and that the "Final Order" for disciplinary actions against Ms. Condon be as follows:

- 1) That Laurel J. Condon shall be issued a formal reprimand.
- 2) That Laurel J. Condon pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That Laurel J. Condon pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Gary R. Gregg (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Gary R. Gregg and that the "Final Order" for disciplinary actions against Mr. Gregg be as follows:

- 1) That Gary R. Gregg shall be issued a formal reprimand.
- 2) That Gary R. Gregg pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That Gary R. Gregg pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Chad E. Oakland (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the

Stipulation which had been agreed to by Chad E. Oakland and that the "Final Order" for disciplinary actions against Mr. Oakland be as follows:

- 1) That Chad E. Oakland shall be issued a formal reprimand.
- 2) That Chad E. Oakland pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That Chad E. Oakland pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Robb K. Peck (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Robb K. Peck and that the "Final Order" for disciplinary actions against Mr. Peck be as follows:

- 1) That Robb K. Peck shall be issued a formal reprimand.
- 2) That Robb K. Peck pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by February 26, 2006.
- 3) That Robb K. Peck pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Kathi P. Stewart (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Kathi P. Stewart and that the "Final Order" for disciplinary actions against Ms. Stewart be as follows:

- 1) That Kathi P. Stewart shall be issued a formal reprimand.

2) That Kathi P. Stewart pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.

3) That Kathi P. Stewart pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Sharon A. Germain (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Sharon A. Germain and that the "Final Order" for disciplinary actions against Ms. Germain be as follows:

1) That Sharon A. Germain shall be issued a formal reprimand.

2) That Sharon A. Germain pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.

3) That Sharon A. Germain pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Michael J. Ballantyne (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Michael J. Ballantyne and that the "Final Order" for disciplinary actions against Mr. Ballantyne be as follows:

1) That Michael J. Ballantyne shall be issued a formal reprimand.

2) That Michael J. Ballantyne pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by February 26, 2006.



3) That Michael J. Ballantyne pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Scott M. Cline (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Scott M. Cline and that the "Final Order" for disciplinary actions against Mr. Cline be as follows:

1) That Scott M. Cline shall be issued a formal reprimand.

2) That Scott M. Cline pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by February 26, 2006.

3) That Scott M. Cline pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Patricia N. Syme (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Patricia N. Syme and that the "Final Order" for disciplinary actions against Ms. Syme be as follows:

1) That Patricia N. Syme shall be issued a formal reprimand.

2) That Patricia N. Syme pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.

3) That Patricia N. Syme pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Diane M. Cook (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Diane M. Cook and that the "Final Order" for disciplinary actions against Ms. Cook be as follows:

- 1) That Diane M. Cook shall be issued a formal reprimand.
- 2) That Diane M. Cook pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That Diane M. Cook pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Daniel J. Hardee (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Daniel J. Hardee and that the "Final Order" for disciplinary actions against Mr. Hardee be as follows:

- 1) That Daniel J. Hardee shall be issued a formal reprimand.
- 2) That Daniel J. Hardee pay a civil fine in the amount of One Thousand Dollars (\$1,000.00) by February 26, 2006.
- 3) That Daniel J. Hardee pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Steven K. Herrick (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Steven K. Herrick and that the "Final Order" for disciplinary actions against Mr. Herrick be as follows:

- 1) That Steven K. Herrick shall be issued a formal reprimand.
- 2) That Steven K. Herrick pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by February 26, 2006.
- 3) That Steven K. Herrick pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Adam D. Lowe (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Adam D. Lowe and that the "Final Order" for disciplinary actions against Mr. Lowe be as follows:

- 1) That Adam D. Lowe shall be issued a formal reprimand.
- 2) That Adam D. Lowe pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That Adam D. Lowe pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Cindy M. Maier (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipu-

lation which had been agreed to by Cindy M. Maier and that the "Final Order" for disciplinary actions against Ms. Maier be as follows:

- 1) That Cindy M. Maier shall be issued a formal reprimand.
- 2) That Cindy M. Maier pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That Cindy M. Maier pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. William F. Northcut (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by William F. Northcut and that the "Final Order" for disciplinary actions against Mr. Northcut be as follows:

- 1) That William F. Northcut shall be issued a formal reprimand.
- 2) That William F. Northcut pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That William F. Northcut pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Clyde Rasmussen (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Clyde Rasmussen and that the "Final Order" for disciplinary actions against Mr. Rasmussen be as follows:

- 1) That Clyde Rasmussen shall be issued a formal reprimand.

2) That Clyde Rasmussen pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.

3) That Clyde Rasmussen pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Georgia Carol Vreeland (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Georgia Carol Vreeland and that the "Final Order" for disciplinary actions against Ms. Vreeland be as follows:

1) That Georgia Carol Vreeland shall be issued a formal reprimand.

2) That Georgia Carol Vreeland pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.

3) That Georgia Carol Vreeland pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Patricia C. Youngs (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Patricia C. Youngs and that the "Final Order" for disciplinary actions against Ms. Youngs be as follows:

1) That Patricia C. Youngs shall be issued a formal reprimand.

2) That Patricia C. Youngs pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.



3) That Patricia C. Youngs pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Scott L. Beckstead (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Scott L. Beckstead and that the "Final Order" for disciplinary actions against Mr. Beckstead be as follows:

1) That Scott L. Beckstead shall be issued a formal reprimand.

2) That Scott L. Beckstead pay a civil fine in the amount of One Thousand Dollars (\$1,000.00) by February 26, 2006.

3) That Scott L. Beckstead pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. N. Douglas Gulbrandsen (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by N. Douglas Gulbrandsen and that the "Final Order" for disciplinary actions against Mr. Gulbrandsen be as follows:

1) That N. Douglas Gulbrandsen shall be issued a formal reprimand.

2) That N. Douglas Gulbrandsen pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.

3) That N. Douglas Gulbrandsen pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. N. Chad M. Salsbury (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Chad M. Salsbury and that the "Final Order" for disciplinary actions against Mr. Salsbury be as follows:

- 1) That Chad M. Salsbury shall be issued a formal reprimand.
- 2) That Chad M. Salsbury pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by February 26, 2006.
- 3) That Chad M. Salsbury pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by February 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Mr. Ruettgers provided the following reports for members' review; copies of which are on file at the Commission office.

- Complaint Summary Report- seeing a lot more double contracts again;
- Rachelle Horn Request for Extension- a motion was made by Mr. Enrico, seconded by Ms. Trees, to accept Ms. Rachelle Horn's request for an extension to pay her civil fine by June 26, 2006 or prior to the re-activation of her license; whichever comes first. Motion carried.

#### **Executive Director's Report:**

##### **Office Operations Report:**

- Building Purchase/Lease Update: The lease proposal has been sent to the landlord. Nothing new to report on the purchase.
- Idaho/Oregon License Agreement: been sent off, no response yet.

**ARELLO Midyear Meeting-April 6-8, 2006; Jacksonville, FL:** A motion was made by Mr. Enrico, seconded by Ms. Trees, to send Four (4) Commissioners and Two (2) Staff, Donna Jones, Executive Director and Karen Seay, Education Director to the ARELLO Midyear Meeting held in Jacksonville, FL April 6-8, 2006. Motion carried.

**Online License Renewal Lottery Drawing:** Ms. Jones recommended that the online lottery drawing be suspended for the time. There has not been an overwhelming response. Members discussed other options to encourage online renewal. No action was taken. The December 2005 Online license Renewal winner is Linda Fay Hanlon, SP26608, Sotheby's International Realty in Driggs, Idaho.

**Commission's Counsel Report:**

- Ms. Coster reported that the Commission is scheduled for next week to present the proposed rules and both pieces of the RS'd legislation to the Senate Commerce Committee
- Minimum services legislation- Ms. Coster presented her views of the proposed legislation. The bill was drafted with the aim of protecting consumers from being sold minimal services deemed by the Task Force as being too limited to meet the basic needs and expectations of most sellers/consumers. A motion was made by Mr. Kohntopp, seconded by Ms. Trees, to table indefinitely the minimum services legislation pending further review and revision. After discussion, Mr. Kohntopp and Ms. Trees withdrew this motion.

A motion was made by Ms. Trees, seconded by Mr. Enrico, to move forward with the Limited Services Legislative Proposal, provided the Proposal first be revised to include an opt-out/waiver clause allowing consumer choice upon full written disclosure of their rights and the broker's duties. Motion carried.

Mr. Bernklau was welcomed back to the meeting.

**Executive Session:** In accordance with section 67-2345 (1) (d) & (f), Idaho Code, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn to executive session to review special request licensure files. Motion carried.

**Regular Session:** There being no further purpose for an executive session, a motion was made by Mr. Kohntopp, seconded by Ms. Trees, to adjourn the executive session. Motion carried.

**Special Considerations:**

**Special Consideration #06-001: Request to Waive 54-2012(l) (f), Felony Exemption.** Following discussion and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Enrico, to deny the request for felony exemption. Motion carried.

**Special Consideration #06-002: Request to Waive 54-2012(l) (f), Felony Exemption.** Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Ms. Trees, to grant the request for felony exemption. Motion carried.

**Special Consideration #06-003: Request to Waive fingerprint requirement.** Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to grant the request for special consideration. Motion carried.

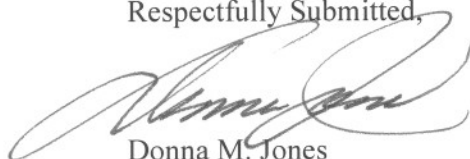
**Special Consideration #06-004: Request to Waive 54-2012(1)(c) High School, 54-2012(1)(h) Exam, and 54-2012(1)(g) Education requirements.** Following discussion and review of the documents submitted, a motion was made by Mr. Enrico, seconded by Ms. Trees, to grant the request for special consideration. Motion carried.

**Special Consideration #06-005: Request to Waive 54-2012(1)(e), Waive 5 year requirement for a Misdemeanor.** Following discussion and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Enrico, to deny the request for special consideration. Motion carried.

**Special Consideration #06-006: Request to Waive 54-2012(2)(a), Waive 2 year Experience Requirement.** Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Ms. Trees, to deny the request for special consideration. Motion carried.

There being no further business, Chair Clawson adjourned the meeting at 3:21 p.m.

Respectfully Submitted,



Donna M. Jones  
Executive Director

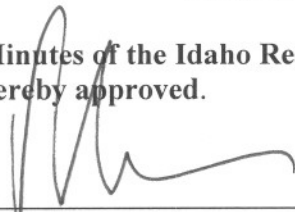
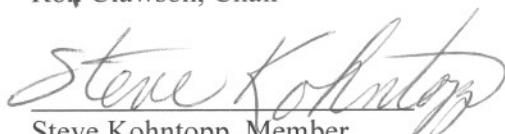
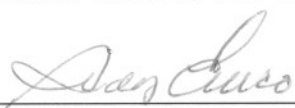
Dmj: jdb

Attachments: Licenses Issued December 2005  
Financial Reports  
FY05-FY06 License Base Analysis  
Online License Renewal Reports  
Complaint Summary Report

"Final Order" – Lauren S. Bisbee  
"Final Order" – William E. Brooks  
"Final Order" – John A. Dixon  
"Final Order" – Patricia A. Auw  
"Final Order" – Laurel J. Condon  
"Final Order" – Gary R. Gregg  
"Final Order" – Chad E. Oakland  
"Final Order" – Robb K. Peck  
"Final Order" – Kathi P. Stewart  
"Final Order" – Sharon A. Germain  
"Final Order" – Michael J. Ballantyne  
"Final Order" – Scott M. Cline  
"Final Order" – Patricia N. Syme  
"Final Order" – Diane M. Cook  
"Final Order" – Daniel J. Hardee  
"Final Order" – Steven K. Herrick  
"Final Order" – Adam D. Lowe  
"Final Order" – Cindy M. Maier  
"Final Order" – William F. Northcut  
"Final Order" – Clyde Rasmussen  
"Final Order" – Georgia Carol Vreeland

"Final Order" – Patricia C. Youngs  
"Final Order" – Scott L. Beckstead  
"Final Order" – N. Douglas Gulbrandsen  
"Final Order" – Chad M. Salsbury

Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho on January 19, 2006, are hereby approved.

  
\_\_\_\_\_  
Ron Clawson, Chair  
\_\_\_\_\_  
Pamela G. Trees, Vice Chair  
\_\_\_\_\_  
Steve Kohntopp, Member  
\_\_\_\_\_  
Andy Enrico, Member